

## ORDINANCE NO. 2009-10

**AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, AMENDING THE SEDONA CITY CODE BY ADDING CHAPTER 15 (PARKS AND RECREATION); PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES OR ANY PART OF THE SEDONA CITY CODE IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE SHALL BE REPEALED UPON THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR A SAVINGS CLAUSE, AND DESCRIBING PENALTIES THERETO**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, AS FOLLOWS:

### Section 1. Adoption by Reference

The proposed amendments to the Sedona City Code set forth in that edited document entitled "*The 2009 Public Parks and Recreation Rules and Regulations*", established as a public record as Exhibit A to Resolution No. 2009-32, are hereby referred to, adopted, and made a part hereof, as if fully set forth in this Ordinance, and serve to amend the Sedona City Code in accordance with the provisions thereof.

### Section 2. Repeal

All ordinances, including Sedona Ordinance 92-16 (Use of Public Parks and Recreation Facilities, Permits and Fees) and Ordinance 2001-03, or parts of ordinances or any part of the Sedona City Code in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict as of the effective date hereof.

### Section 3. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof would be declared invalid or unconstitutional.

### Section 4. Penalty

Except as otherwise provided, any person found guilty of violating any provision of the Code of the City of Sedona, Arizona, and any amendment thereto, or any order or regulation made therein, including the failure to perform any act or duty so required, shall be guilty of a

Class 1 misdemeanor, and, upon conviction, shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00), or by imprisonment for a period not to exceed six (6) months, or by both fine and imprisonment. Probation may be imposed in accordance with Arizona Revised Statutes, Title 13, Chapter 9. Each day that any violation continues shall be a separate offense punishable as above described or by civil sanction. In the alternative, an action may be commenced as a civil violation pursuant to Article 1-8.D (as amended) of the Sedona City Code.

PASSED AND ADOPTED by the Mayor and City Council of the City of Sedona, Arizona this 8th day of September, 2009.

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Rob Adams, Mayor

ATTEST:

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Mary Gladieux, Acting City Clerk

APPROVED AS TO FORM:

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Mike Goimarac, City Attorney